

24TH FEDERAL LITIGATION COURSE

ALTERNATE DISPUTE RESOLUTION DEMONSTRATION

The Honorable William Connelly, United States Magistrate Judge, United States District Court, District of Maryland, and ADA faculty will conduct a mock settlement conference in the fictitious Federal Tort Claims Act case of Peterson v. United States.

Setting: It is Thursday, August 3, 2006, at 4 p.m. and you have a bird's eye view of Judge Connelly's chambers, Federal Courthouse, Greenbelt, Maryland.

Procedural Posture: The action has been set for pre-trial on November 17, 2006, and for trial before the Honorable James K. Bredar, United States District Judge, for the trial period commencing December 15, 2006. The case is number 21 on the trial docket.

Materials: Order Scheduling Settlement Conference and the parties' *ex parte* letters to the Court.

Exercise: Critically observe the conference, and ask yourself the following questions:

What conduct was particularly effective in achieving settlement or at least moving the parties towards settlement? What conduct was particularly ineffective?

What would you have done differently as counsel for the government/defendant?

Was this case appropriate for a judicial settlement conference?
Would another ADR technique have been appropriate?